

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 2nd day of June, 1998

BEFORE

THE HON'BLE MR JUSTICE R V RAVEENDRAN

Writ Petition No 17425 of 1990

Between:

Maharudrappa Sharse
son of Virupakshappa Sharse
Agriculturist
r/a Bhalki Taluk
Bidar District

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..Petitioner

(By Smt. G S Anasuya, Advocate)

And:

1. The Deputy Commissioner
Bidar District
2. The Tahsildar
Bhalki Taluk
3. Town Municipal Council
Bhalki
by its Chief Officer
4. State of Karnataka
by Secretary
Irrigation & Public Works
Vidhana Soudha
Bangalore-1

..Respondents

(Sri A Nagarajappa, AGA, for R1,2 & 4;
Respondent-3 served)

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Writ Petition is filed praying to direct respondent-1 to consider the various applications filed by the petitioner as Annexures G, H and A and

other recommendations and resolutions of the T.M.C. and pass suitable orders to pay compensation to the petitioner.

This writ petition coming on for preliminary hearing in 'B' group this day, the Court made the following:-

O R D E R

The petitioner claims to be the owner of land bearing Sy.No.598 of Bhalki Village measuring 13 acres 7 guntas. He has a stone revetted well in the said land. According to him, the water therein is used for sugarcane crop in the said land. According to the petitioner, there was a severe drought between April and July 1983 and, therefore, the Town Municipal Council could not provide water to the residents of Bhalki Town and the Chief Officer of the Municipality requested the petitioner and others, who were having wells for irrigation facilities, to supply water from their wells. Accordingly, water was taken from the petitioner's well by lorries and tanks. Consequently, petitioner's crops dried up for nonavailability of water. According to petitioner, he was also assured that he would be suitably compensated for the loss of crop.

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2. Petitioner claims that the Town Municipal Council has passed a resolution recommending payment of compensation to the petitioner and others who made available water from their wells, at their meeting held on 14-7-1983. Petitioner also contends that the Tahsildar, Bhalki, has also made a recommendation on 10-4-1985 [Annexure-E3] for payment of compensation. The petitioner claims to have given representation dated 21-7-1988 to the Town Municipal Council, Bhalki and representation dated 20-11-1989 to the Deputy Commissioner, Bidar. The grievance of the petitioner is that no action has been taken to grant compensation. The petitioner contends that he lost the crop for that year on account of supplying water to the residents of the Town and, therefore, the Municipality and the State Government should compensate him properly. As they have not considered and disposed of his applications for compensation, petitioner has filed this petition seeking a direction to respondents to consider his applications, vide Annexure-G dated 21-7-1988, Annexure-H dated 20-11-1989 and the legal notice dated 8-6-1983 [Annexure-A].

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3. The Town Municipal Council, though served, has remained unrepresented. Sri Nagarajappa, learned AGA, appearing for Respondents 1, 2 and 4 stated that if the applications of the petitioner have not been already disposed of, the same will be considered and disposed of within a period of two months. *Thind Respt is bound to consider and dispose of petitioner's application.*

4. In view of the aforesaid submission, the petition is disposed of directing the respondents to consider and dispose of the petitioner's applications for compensation within a period of two months from the date of receipt of this order. If the said applications have already been considered and disposed of, the respondents may ignore the direction, but *furnish a copy of their decision to the petitioner to enable him to take suitable action in the matter.*

Sd/-
JUDGE

Bnr/-

